

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In re:

Tony Jupiter

Case No. 05-82598

Chapter 13

Soc.Sec.No.: xxx-xx-4352

Mailing Address: 4803 Barbee Road, Durham, NC 27713

Debtor.

OPPOSITION TO MOTION TO MODIFY CHAPTER 13 PLAN

NOW COMES the Debtor, by and through counsel undersigned, who hereby opposes the Motion to Modify Chapter 13 Plan, dated June 3, 2008, and filed by the Chapter 13 Trustee.

The motion is opposed for the following reasons: The proposed increase appears to be due to an increase in the ongoing monthly mortgage payment that does not seem to be justified. The Debtor seeks time to address the asserted mortgage increase.

WHEREFORE, the Debtor prays that the Court deny the Trustee's Motion to Modify Plan, that it set this matter for hearing; and that it grant such other and further relief which it deems just, proper and equitable.

Dated: July 1, 2008.

LAW OFFICES OF JOHN T. ORCUTT, P.C.

s/ John T. Orcutt

John T. Orcutt

6616-203 Six Forks Road

Raleigh, NC 27615

Tel. No.: (919) 847-9750

CERTIFICATE OF SERVICE

I, Will Gibbs, of the Law Offices of John T. Orcutt, P.C., do hereby certify, under penalty of perjury, that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age; and that on July 1, 2008, I served copies of the foregoing **Opposition to Motion to Modify Chapter 13 Plan**, by regular U.S. mail, upon the parties set forth below:

Tony Jupiter
4803 Barbee Road
Durham, NC 27713

Richard M. Hutson
Chapter 13 Trustee
P.O. Box 3613
Durham, NC 27702-3613

s/ Will Gibbs
Will Gibbs